

REMARKS

Claims 1 is pending. Claims 2 through 21 are withdrawn. Claims 1, 6 and 9 are amended. Applicant requests reconsideration and reexamination of the pending claims.

Pursuant to the Examiner's request, the submission of corrected Figure 24 is being repeated. In that regard, Figure 24 has been amended to correct for mis-numbered items. The specification and FIG. 24 are now consistent. No new matter has been added.

Before addressing the rejection of claim 1 in particular, consider the following features of Applicants' invention. As seen in each and every species shown in Figures 1 through 53, Applicant has provided a unique actuator architecture comprising a focus arm and a tracking arm pivotably mounted to an end of the focus arm. As suggested by the name, the tracking arm pivots parallel to the surface of the optical disk being read for tracking purposes. Similarly, the focus arm pivots perpendicularly (at a right angle) to the surface of the optical disk to allow focus adjustments. This is true for each "species" previously restricted out:

Species A: Figures 3 – 12. The tracking arm is element 24, the focus arm is element 26.

Species B: Figures 13 – 15. The tracking arm is element 24, the focus arm is element 26.

Species C: Figures 16 – 22: The tracking arm is element 100, the focus arm is element 102.

Species D: Figures 23 – 29: The tracking arm is element 200, the focus arm is element 228.

Species E: Figures 30 – 35: The tracking arm is element 300, the focus arm is element 302.

Species F: Figures 36 – 53: The tracking arm (denoted as the rear portion on page 29) is element 412, the focus arm (denoted as the front portion on page 29) is element 414.

The inventive features common to all these species are reflected in claim 1, which recites the tracking arm as a "a first portion configured to position said first end of said actuator assembly parallel to the surface of the disk." The focus arm is recited as "a second

LAW OFFICES OF
MACHERSON, KWOK CHEN
& HED LLP
2403 WHEELER DRIVE
SUITE 210
IRVINE, CA 92612
(949) 752-7040
FAX (949) 752-7049

portion pivotally mounted to said first portion and configured to position said first end along an arcuate path substantially perpendicular to the surface of the disk.” Support for the substantially perpendicular limitation is shown, for example, by the description on page 20, line 12 through page 21, line 14. This may be seen from the drawings as well: Consider Figure 5, which shows the pivot axis 62 for the focus arm 26 with respect to tracking arm 24. As focus arm pivots on the pivot axis, its distal end will trace through an arcuate path that will be substantially perpendicular to the optical disk surface. The optical head will thus be either closer or further away from the disk surface depending upon where it is within the arcuate path as needed for focusing purposes. In turn, as tracking arm pivots on axis 34, the optical head will travel parallel to the optical disk surface for tracking purposes.

In sharp contrast, the pivoting within the Boutaghou reference (USP 5,521,778) is for tracking purposes only in that the resulting head travel is parallel to the disk surface. This is shown in Figure 5: note that the rotation around element 36 provides tracking to different tracks 54 through 54’’. There is absolutely no teaching or suggestion for a focus arm (the claimed second portion) pivotally mounted to a tracking arm (the claimed first portion) “to position said first end along an arcuate path substantially perpendicular to the surface of the disk” as recited in claim 1. Accordingly, claim 1 is patentable over the Boutaghou reference. In that regard, the Stole reference (USP 6,091,578) adds nothing further, it making absolutely no suggestion for a tracking or focus arm as recited in claim 1. Thus, claim 1 is patentable over the art of record.

Because claim 1 is patentable over the art of record and is generic to the claimed species, Applicant respectfully reserves their right to include claims directed to the “reasonable” number of species allowed under 37 CFR 1.141(a) upon allowance of claim 1 (that allowance being respectfully requested).

LAW OFFICES OF
MACPHERSON, KWOK CHEN
& HUI LLP

3402 MICHELSON DRIVE
SUITE 210
IRVINE, CA 92612
(949) 752-7040
FAX (949) 752-7049


CONCLUSION

For the above reasons, pending Claim 1 is now in condition for allowance and allowance of the application is hereby solicited.

If the Examiner has any questions or concerns, the Examiner is hereby requested to telephone Applicant's Attorney at (949) 752-7040.

Certification of Facsimile Transmission

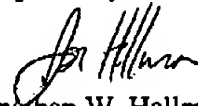
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.



Linda Bolter

October 11, 2004
Date of Signature

Respectfully submitted,



Jonathan W. Hallman
Attorney for Applicant(s)
Reg. No. 42,622

LAW OFFICES OF
MACFARLSON, KNYOK CHEN
& HED LLP

2402 MICHELSON DRIVE
SUITE 210
IRVINE, CA 92612
(949) 752-7040
FAX (949) 752-7049